

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

HOUSE JUDICIARY COMMITTEE

Date: Friday, January 18, 2013
Place: Capitol

Time: 8:00 AM
Room: 137

BILLS and RESOLUTIONS HEARD:

HB 172 - Allow Montana state bar attorney member to serve as a judge pro tem

EXECUTIVE ACTION TAKEN:

HB 50	Do pass as amended
HB 70	Do pass as amended
HB 74	Do pass as amended
HB 104	Do pass as amended

HB 80	Tabled
HB 103	Tabled

Comments:



REP. Krayton Kerns, Chair

HOUSE OF REPRESENTATIVES
Roll Call
JUDICIARY COMMITTEE

DATE: 1/18/2013

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. JERRY BENNETT, VICE CHAIR	X	
REP. MARGIE MACDONALD, VICE CHAIR		X/c
REP. ALAN DOANE	X	
REP. CAROLYN PEASE-LOPEZ	X	
REP. KEITH REGIER	X	
REP. VIRGINIA COURT	X	
REP. CLAYTON FISCUS	X	
REP. BRIDGET SMITH	X	
REP. DENNIS LENZ	X	
REP. JENNY ECK	X	
REP. KIRK WAGONER	X	
REP. SARAH LASZLOFFY	X	
REP. WENDY WARBURTON	X	
REP. ELLIE BOLDMAN HILL	X	
REP. JERRY O'NEIL	X	
REP. JENIFER GURSKY	X	
REP. DAVID HALVORSON	X	
REP. RYAN LYNCH	X	
SPEAKER MARK BLASDEL		X/c
REP. KRAYTON KERNS, CHAIR	X	



HOUSE STANDING COMMITTEE REPORT

January 18, 2013

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 50** (first reading copy -- white) do pass as amended.

Signed: _____

Krayton Kerns
Representative Krayton Kerns, Chair

And, that such amendments read:

1. Title, page 1, line 6.

Following: "DEFINITIONS;"

Strike: "ALLOWING FOR"

Insert: "REQUIRING"

2. Page 1, line 27 through line 28.

Following: "officer" on line 27

Strike: "whose scope of employment includes enforcing federal immigration laws or preserving homeland security"

Insert: "as defined in 5 U.S.C. 8331(20) and 5 U.S.C. 8401(17)"

3. Page 1, line 29.

Following: "means the"

Strike: "legal"

Insert: "lawful or unlawful"

4. Page 2, line 2.

Strike: "or the identity or location of a person who is reasonably believed to be illegally residing in the United States"

5. Page 2, line 10 through line 12.

Committee Vote:

Yes 12, No 8

Fiscal Note Required ☐

HB0050001SC.hjk

DC 1-18-13

12:20

Following: "from" on line 10

Strike: "communicating" on line 10 through "official duties." on line 12

Insert: "taking any of the following actions with respect to information regarding a person's immigration status:

(i) sending information to or requesting or receiving immigration status information from federal officials or law enforcement officers while the local official or employee is acting within the scope of the local official's or employee's official duties;

(ii) maintaining immigration status information;

(iii) exchanging immigration status information with any federal or state governmental entity or local governing body;

(iv) determining eligibility for any public benefit, service, or license provided by federal law or a law of this state or its political subdivisions;

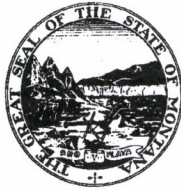
(v) verifying a claim of residence or domicile if a determination of residence or domicile is required under federal law or a law of this state or its political subdivisions or under a judicial order issued pursuant to a civil or criminal proceeding in this state;

(vi) confirming the identity of a person who is detained by law enforcement officials;

(vii) determining whether a person is in compliance with the federal registration laws prescribed by Title II, chapter 7, of the Immigration and Nationality Act, 8 U.S.C. 1301, et seq., if the person is an alien; or

(viii) acting in any other manner that violates the provisions of 8 U.S.C. 1373 and 1644."

- END -



HOUSE STANDING COMMITTEE REPORT

January 18, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 70** (first reading copy -- white) do pass as amended.

Signed: 
Representative Krayton Kerns, Chair

And, that such amendments read:

1. Title, page 1, line 7.

Strike: "PROVIDING AN APPROPRIATION;"

2. Page 1, line 25.

Following: "inmates at"

Strike: "the Montana state prison, the Montana women's prison,"

3. Page 1, lines 26 and 27.

Following: "part 4,"

Strike: "a regional" on line 26 through "part 6" on line 27

Insert: "and incorporate victim impact panels as a component of cognitive-behavioral treatment at community-based prerelease centers and alcohol and drug treatment facilities"

4. Page 1, line 29 through page 2, line 1.

Strike: section 2 in its entirety

Renumber: subsequent sections

5. Page 2, line 4.

Strike: "part 1," in two places

- END -

Committee Vote:

Yes 19, No 1

Fiscal Note Required ☐

HB0070001SC.hjk

DC 1-19-13

7:50



HOUSE STANDING COMMITTEE REPORT

January 18, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 74** (first reading copy -- white) do pass as amended.

Signed: _____

Krayton Kerns
Representative Krayton Kerns, Chair

And, that such amendments read:

1. Title, page 1, line 8 through line 9.
Strike: "SPECIFYING" on line 8 through "REPORT;" on line 9
2. Page 5, line 6 through line 14.
Strike: section 2 in its entirety
Renumber: subsequent section

- END -

Committee Vote:

Yes 17, No 3

Fiscal Note Required ____

HB0074001SC.hjk

DC 1-19-13
7:50



HOUSE STANDING COMMITTEE REPORT

January 18, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 104** (first reading copy -- white) do pass as amended.

Signed: _____

Krayton Kerns
Representative Krayton Kerns, Chair

And, that such amendments read:

1. Page 2, lines 12 through 17.

Strike: "The provisions of" on line 12 through "woman's behalf."
on line 17

Insert: "A prosecution for a violation of 45-5-102 or 45-5-103
with regard to the death of an unborn child may not be
brought against:

(1) a person for conduct relating to an abortion for which
the consent of the pregnant woman or a person authorized by law
to act on her behalf has been obtained or for which the consent
is implied by law;

(2) a person for any medical treatment of the pregnant woman
or her unborn child; or

(3) a woman with respect to her unborn child."

- END -

Committee Vote:

Yes 12, No 8

Fiscal Note Required ☐

HB0104001SC.hjk

DC 1-18-13
12:20

BILL TABLED NOTICE

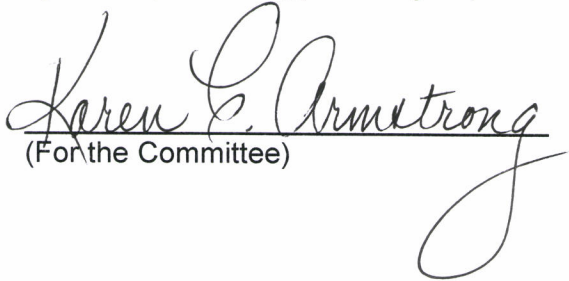
HOUSE JUDICIARY COMMITTEE

The HOUSE JUDICIARY COMMITTEE TABLED

HB 80 - Authorizing peace officer status for corrections criminal investigators

HB 103 - Authorize conflicts manger to hire attorney for postconviction cases

by motion, on **Friday, January 18, 2013.**


(For the Committee)


(For the Chief Clerk of the House)

12:20 / 1-18-13
(Time) (Date)

January 18, 2013

Karen Armstrong, Secretary

Phone: 1862

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/18/2013 BILL NO. 50 MOTION NO. amendment HB 005001.akt
MOTION: _____

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR	X		
REP. MARGIE MACDONALD, VICE CHAIR	X		
REP. ALAN DOANE	X		
REP. CAROLYN PEASE-LOPEZ	X		
REP. KEITH REGIER	X		
REP. VIRGINIA COURT	X		
REP. CLAYTON FISCUS	X		
REP. BRIDGET SMITH	X		
REP. DENNIS LENZ	X		
REP. JENNY ECK	X		
REP. KIRK WAGONER	X		
REP. SARAH LASZLOFFY	X		
REP. WENDY WARBURTON	X		
REP. ELLIE BOLDMAN HILL	X		
REP. JERRY O'NEIL	X		
REP. JENIFER GURSKY	X		
REP. DAVID HALVORSON	X		
REP. RYAN LYNCH	X		
SPEAKER MARK BLASDEL	X		pr
REP. KRAYTON KERNS, CHAIR	X		

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/18/2013 BILL NO 50 MOTION NO.
 MOTION: depos at amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR	X		
REP. MARGIE MACDONALD, VICE CHAIR		X	
REP. ALAN DOANE	X		
REP. CAROLYN PEASE-LOPEZ		X	
REP. KEITH REGIER	X		
REP. VIRGINIA COURT		X	
REP. CLAYTON FISCUS	X		
REP. BRIDGET SMITH		X	
REP. DENNIS LENZ	X		
REP. JENNY ECK		X	
REP. KIRK WAGONER	X		
REP. SARAH LASZLOFFY	X		
REP. WENDY WARBURTON	X		
REP. ELLIE BOLDMAN HILL		X	
REP. JERRY O'NEIL	X		
REP. JENIFER GURSKY		X	
REP. DAVID HALVORSON	X		
REP. RYAN LYNCH		X	
SPEAKER MARK BLASDEL	X		pr
REP. KRAYTON KERNS, CHAIR	X		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/18/2013 BILL NO. 70 MOTION NO. amendment HB00700 lat
MOTION: _____

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR	X		
REP. MARGIE MACDONALD, VICE CHAIR		X	
REP. ALAN DOANE	X		
REP. CAROLYN PEASE-LOPEZ		X	
REP. KEITH REGIER	X		
REP. VIRGINIA COURT		X	
REP. CLAYTON FISCUS	X		
REP. BRIDGET SMITH		X	
REP. DENNIS LENZ	X		
REP. JENNY ECK		X	
REP. KIRK WAGONER	X		
REP. SARAH LASZLOFFY	X		
REP. WENDY WARBURTON	X		
REP. ELLIE BOLDMAN HILL		X	
REP. JERRY O'NEIL	X		
REP. JENIFER GURSKY		X	
REP. DAVID HALVORSON	X		
REP. RYAN LYNCH		X	
SPEAKER MARK BLASDEL	X		pr
REP. KRAYTON KERNS, CHAIR	X		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/18/2013 BILL NO. 70 MOTION NO. _____
 MOTION: do pass as twice amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR	X		
REP. MARGIE MACDONALD, VICE CHAIR	X		
REP. ALAN DOANE	X		
REP. CAROLYN PEASE-LOPEZ	X		
REP. KEITH REGIER	X		
REP. VIRGINIA COURT	X		
REP. CLAYTON FISCUS	X		
REP. BRIDGET SMITH	X		
REP. DENNIS LENZ	X		
REP. JENNY ECK	X		
REP. KIRK WAGONER	X		
REP. SARAH LASZLOFFY	X		
REP. WENDY WARBURTON	X		
REP. ELLIE BOLDMAN HILL	X		
REP. JERRY O'NEIL	X		
REP. JENIFER GURSKY	X		
REP. DAVID HALVORSON	X		
REP. RYAN LYNCH	X		
SPEAKER MARK BLASDEL	X		pr
REP. KRAYTON KERNS, CHAIR		X	

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/18/2013 BILL NO 74 MOTION NO. #B
MOTION: amendment-007401

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR	X		
REP. MARGIE MACDONALD, VICE CHAIR	X		
REP. ALAN DOANE	X		
REP. CAROLYN PEASE-LOPEZ	X		
REP. KEITH REGIER	X		
REP. VIRGINIA COURT	X		
REP. CLAYTON FISCUS	X		
REP. BRIDGET SMITH	X		
REP. DENNIS LENZ	X		
REP. JENNY ECK	X		
REP. KIRK WAGONER	X		
REP. SARAH LASZLOFFY	X		
REP. WENDY WARBURTON	X		
REP. ELLIE BOLDMAN HILL	X		
REP. JERRY O'NEIL	X		
REP. JENIFER GURSKY	X		
REP. DAVID HALVORSON	X		
REP. RYAN LYNCH	X		
SPEAKER MARK BLASDEL	X		pr
REP. KRAYTON KERNS, CHAIR	X		

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/18/2013 BILL NO 74 MOTION NO. _____
 MOTION: do pass as amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR		X	
REP. MARGIE MACDONALD, VICE CHAIR	X		
REP. ALAN DOANE	X		
REP. CAROLYN PEASE-LOPEZ	X		
REP. KEITH REGIER	X		
REP. VIRGINIA COURT	X		
REP. CLAYTON FISCUS	X		
REP. BRIDGET SMITH	X		
REP. DENNIS LENZ	X		
REP. JENNY ECK	X		
REP. KIRK WAGONER	X		
REP. SARAH LASZLOFFY	X		
REP. WENDY Warburton	X		
REP. ELLIE BOLDMAN HILL	X		
REP. JERRY O'NEIL	X	X	
REP. JENIFER GURSKY	X		
REP. DAVID HALVORSON	X		
REP. RYAN LYNCH	X		
SPEAKER MARK BLASDEL	X		pr
REP. KRAYTON KERNS, CHAIR		X	

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/18/2013 BILL NO 80 MOTION NO. _____
 MOTION: as per as amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR		X	
REP. MARGIE MACDONALD, VICE CHAIR	X		
REP. ALAN DOANE		X	
REP. CAROLYN PEASE-LOPEZ	X		
REP. KEITH REGIER	X		
REP. VIRGINIA COURT	X		
REP. CLAYTON FISCUS		X	
REP. BRIDGET SMITH	X		
REP. DENNIS LENZ		X	
REP. JENNY ECK	X		
REP. KIRK WAGONER		X	
REP. SARAH LASZLOFFY		X	
REP. WENDY WARBURTON		X	
REP. ELLIE BOLDMAN HILL	X		
REP. JERRY O'NEIL		X	
REP. JENIFER GURSKY	X		
REP. DAVID HALVORSON		X	
REP. RYAN LYNCH	X		
SPEAKER MARK BLASDEL		X	pr
REP. KRAYTON KERNS, CHAIR		X	

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/18/2013 BILL NO 103 MOTION NO. _____
MOTION: do pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR		X	
REP. MARGIE MACDONALD, VICE CHAIR	X		
REP. ALAN DOANE		X	
REP. CAROLYN PEASE-LOPEZ	X		
REP. KEITH REGIER		X	
REP. VIRGINIA COURT	X		
REP. CLAYTON FISCUS		X	
REP. BRIDGET SMITH	X		
REP. DENNIS LENZ		X	
REP. JENNY ECK	X		
REP. KIRK WAGONER		X	
REP. SARAH LASZLOFFY		X	
REP. WENDY WARBURTON		X	
REP. ELLIE BOLDMAN HILL	X		
REP. JERRY O'NEIL		X	
REP. JENIFER GURSKY	X		
REP. DAVID HALVORSON		X	
REP. RYAN LYNCH	X		
SPEAKER MARK BLASDEL		X	pr
REP. KRAYTON KERNS, CHAIR		X	

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/18/2013 BILL NO 104 MOTION NO. amendment HB 010401.akt
MOTION: _____

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR	X		
REP. MARGIE MACDONALD, VICE CHAIR		X	
REP. ALAN DOANE	X		
REP. CAROLYN PEASE-LOPEZ		X	
REP. KEITH REGIER	X		
REP. VIRGINIA COURT		X	
REP. CLAYTON FISCUS	X		
REP. BRIDGET SMITH		X	
REP. DENNIS LENZ	X		
REP. JENNY ECK		X	
REP. KIRK WAGONER	X		
REP. SARAH LASZLOFFY	X		
REP. WENDY WARBURTON	X		
REP. ELLIE BOLDMAN HILL		X	
REP. JERRY O'NEIL	X		
REP. JENIFER GURSKY		X	
REP. DAVID HALVORSON	X		
REP. RYAN LYNCH		X	
SPEAKER MARK BLASDEL	X		pr
REP. KRAYTON KERNS, CHAIR	X		

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/18/2013 BILL NO. 104 MOTION NO. _____
 MOTION: deposits amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR	X		
REP. MARGIE MACDONALD, VICE CHAIR		X	
REP. ALAN DOANE	X		
REP. CAROLYN PEASE-LOPEZ		X	
REP. KEITH REGIER	X		
REP. VIRGINIA COURT		X	
REP. CLAYTON FISCUS	X		
REP. BRIDGET SMITH		X	
REP. DENNIS LENZ	X		
REP. JENNY ECK		X	
REP. KIRK WAGONER	X		
REP. SARAH LASZLOFFY	X		
REP. WENDY WARBURTON	X		
REP. ELLIE BOLDMAN HILL		X	
REP. JERRY O'NEIL	X		
REP. JENIFER GURSKY		X	
REP. DAVID HALVORSON	X		
REP. RYAN LYNCH		X	
SPEAKER MARK BLASDEL	X		pr
REP. KRAYTON KERNS, CHAIR	X		

AUTHORIZED COMMITTEE PROXY

I request to be excused from the

Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Jerry Bennett

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 50	X		HB 80 ^{as amended}		X
AMD HB 005001 AHT	X		AMD HB 008001 AHT	X	
HB 70			Table HB 80	X	
AMD AB 007001 AHT			HB 103	X	X
" " 7002 AHT			HB 104	X	
" " 7003 AHT			AMB HB 010401 AHT	X	
AMD AB 007003 AHT ^{sege} gate	X				
7003 AHT ^{sec} 2 3 & 4	X				
7001 AHT ^{sec} 1	Withdrawn				
AMD 7002 AHT					
Substitute motion 7001 AHT	X				
HB 70 ^{as amended} twice	X				
HB 74 ^{as amended}	X				
AMD HB 007401 ATE	X				

Rep.

JK

(Signature)

Date

1/18/13

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Friday, January 18, 2013

HB 172 - Allow Montana state bar attorney member to serve as a judge pro tem

Sponsor: Representative Jesse O'Hara

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.